International Convention Against *Apartheid* in Sports

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INTRODUCTION

The International Convention against *Apartheid* in Sports, which was adopted by the General Assembly in resolution 40/64 G of 10 December 1985 and opened for signature on 16 May 1986, came into force on 3 April 1988 after ratification or accession by 27 States. In March 1989 a new Commission against *Apartheid* in Sports, made up of 15 elected members, was set up to monitor implementation of the Convention.

As of 12 July 1990, the following 75 States have signed the Convention: Algeria, Antigua and Barbuda, Bahamas, Barbados, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, China, Colombia, Cuba, Cyprus, Czech and Slovak Federal Republic, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Panama, Peru, Philippines, Poland, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

The following 47 States have ratified or acceded to the Convention: Algeria, Antigua and Barbuda, Bahamas, Barbados, Bolivia, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Czech and Slovak Federal Republic, Equatorial Guinea, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Libyan Arab Jamahiriya, Mali, Mauritania, Mauritius, Mexico, Mongolia, Nepal, Niger, Nigeria, Peru, Philippines, Poland, Qatar, Saint Kitts and Nevis, Senegal, Sudan, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia, Zimbabwe.

The full texts of General Assembly resolution 40/64 G and the International Convention are reproduced in the following pages.

I. GENERAL ASSEMBLY RESOLUTION 40/64 G

International Convention against *Apartheid* in Sports

The General Assembly,

Recalling its resolution 32/105 M of 14 December 1977, by which it adopted the International Declaration against *Apartheid* in Sports,

Recalling also its resolution 39/72 D of 13 December 1984, by which it requested the *Ad Hoc* Committee on the Drafting of an International Convention against *Apartheid* in Sports to continue its work with a view to submitting the draft Convention to the General Assembly at its fortieth session,

Recalling further that the International Convention on the Suppression and Punishment of the Crime of *Apartheid*[1] declares that *apartheid* is a crime violating principles of international law, in particular the purposes and principles of the Charter of the United Nations,

Mindful of the special responsibility of the United Nations to eliminate *apartheid* and racial discrimination in sports and in society,

Convinced that *apartheid* still dominates sports and the society as a whole in South Africa and that all so-called reforms have not led to any meaningful change in sports and the society in that country,

Reaffirming its unqualified support for the Olympic principle that no discrimination be allowed on the grounds of race, religion or political affiliation and its belief that merit should be the sole criterion in sports activities,

Reaffirming the necessity to ensure an international concerted action to isolate the racist régime of South Africa from the field of international sports as well as all other fields,

Commending the efforts of the Special Committee against *Apartheid* to ensure the total isolation of *apartheid* in sports and, in particular, the publication of the *Register of Sports Contacts* with South Africa, and urging Member States, pending the entry into force of the Convention, to co-operate with the Special Committee on matters relating to the isolation of *apartheid* in sports,

Commending all sports bodies, teams and individual sportsmen that have declared their determination not to engage in sports contacts with South Africa until the evil system of *apartheid* is abolished,

[1] Resolution 3068 (XXVIII), annex.

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Convinced that the Convention would be an important instrument towards the isolation of the racist régime of South Africa and the elimination of *apartheid* in sports and that it should be signed and ratified by States at the earliest possible date and its provisions implemented without delay,

Considering that the text of the Convention should be made known throughout the world,

1. *Adopts* and opens for signature and ratification the International Convention against *Apartheid* in Sports, the text of which is annexed to the present resolution;

2. *Appeals* to all States to sign and ratify the Convention as soon as possible;

3. *Requests* all Governments and intergovernmental and non-governmental organizations to acquaint the public as widely as possible with the text of the Convention, using all the information media at their disposal;

4. *Requests* the Secretary-General to ensure the urgent and wide dissemination of the Convention and, for that purpose, to publish and circulate its text;

5. *Commends* the efforts of the Special Committee against *Apartheid* and requests it to continue to publish the *Register of Sports Contacts* with South Africa until the establishment of the Commission against *Apartheid* in Sports.

II. INTERNATIONAL CONVENTION AGAINST *APARTHEID* IN SPORTS

The States Parties to the present Convention,

Recalling the provisions of the Charter of the United Nations, in which all Members pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights[2] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind, particularly in regard to race, colour or national origin,

[2] Resolution 217 A (III).

Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination,[3] States Parties to that Convention particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in all fields,

Observing that the General Assembly of the United Nations has adopted a number of resolutions condemning the practice of *apartheid* in sports and has affirmed its unqualified support for the Olympic principle that no discrimination be allowed on the grounds of race, religion or political affiliation and that merit should be the sole criterion for participation in sports activities,

Considering that the International Declaration against *Apartheid* in Sports,[4] which was adopted by the General Assembly on 14 December 1977, solemnly affirms the necessity for the speedy elimination of *apartheid* in sports,

Recalling the provisions of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*[1] and recognizing, in particular, that participation in sports exchanges with teams selected on the basis of *apartheid* directly abets and encourages the commission of the crime of *apartheid*, as defined in that Convention,

Resolved to adopt all necessary measures to eradicate the practice of *apartheid* in sports and to promote international sports contacts based on the Olympic principle,

Recognizing that sports contact with any country practising *apartheid* in sports condones and strengthens *apartheid* in violation of the Olympic principle and thereby becomes the legitimate concern of all Governments,

Desiring to implement the principles embodied in the International Declaration against *Apartheid* in Sports and to secure the earliest adoption of practical measures to that end,

Convinced that the adoption of an International Convention against *Apartheid* in Sports would result in more effective measures at the international and national levels, with a view to eliminating *apartheid* in sports,

Have agreed as follows:

Article 1

For the purposes of the present Convention:

(*a*) The expression "*apartheid*" shall mean a system of institutionalized racial segregation and discrimination for the purpose of esta-

[3] Resolution 2106 A (XX), annex.
[4] Resolution 32/105 M, annex.

blishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them, such as that pursued by South Africa, and "*apartheid* in sports" shall mean the application of the policies and practices of such a system in sports activities, whether organized on a professional or an amateur basis;

(*b*) The expression "national sports facilities" shall mean any sports facility operated within the framework of a sports programme conducted under the auspices of a national government;

(*c*) The expression "Olympic principle" shall mean the principle that no discrimination be allowed on the grounds of race, religion or political affiliation;

(*d*) The expression "sports contracts" shall mean any contract concluded for the organization, promotion, performance or derivative rights, including servicing, of any sports activity;

(*e*) The expression "sports bodies" shall mean any organization constituted to organize sports activities at the national level, including national Olympic committees, national sports federations or national governing sports committees;

(*f*) The expression "team" shall mean a group of sportsmen organized for the purpose of participating in sports activities in competition with other such organized groups;

(*g*) The expression "sportsmen" shall mean men and women who participate in sports activities on an individual or team basis, as well as managers, coaches, trainers and other officials whose functions are essential for the operation of a team.

Article 2

States Parties strongly condemn *apartheid* and undertake to pursue immediately by all appropriate means the policy of eliminating the practice of *apartheid* in all its forms from sports.

Article 3

States Parties shall not permit sports contact with a country practising *apartheid* and shall take appropriate action to ensure that their sports bodies, teams and individual sportsmen do not have such contact.

Article 4

States Parties shall take all possible measures to prevent sports contact with a country practising *apartheid* and shall ensure that effective means exist for bringing about compliance with such measures.

Article 5

States Parties shall refuse to provide financial or other assistance to enable their sports bodies, teams and individual sportsmen to participate in sports activities in a country practising *apartheid* or with teams or individual sportsmen selected on the basis of *apartheid*.

Article 6

Each State Party shall take appropriate action against its sports bodies, teams and individual sportsmen that participate in sports activities in a country practising *apartheid* or with teams representing a country practising *apartheid*, which in particular shall include:

(*a*) Refusal to provide financial or other assistance for any purpose to such sports bodies, teams and individual sportsmen;

(*b*) Restriction of access to national sports facilities by such sports bodies, teams and individual sportsmen;

(*c*) Non-enforceability of all sports contracts which involve sports activities in a country practising *apartheid* or with teams or individual sportsmen selected on the basis of *apartheid*;

(*d*) Denial and withdrawal of national honours or awards in sports to such teams and individual sportsmen;

(*e*) Denial of official receptions in honour of such teams or sportsmen.

Article 7

States Parties shall deny visas and/or entry to representatives of sports bodies, teams and individual sportsmen representing a country practising *apartheid*.

Article 8

States Parties shall take all appropriate action to secure the expulsion of a country practising *apartheid* from international and regional sports bodies.

Article 9

States Parties shall take all appropriate measures to prevent international sports bodies from imposing financial or other penalties on affiliated bodies which, in accordance with United Nations resolutions, the provisions of the present Convention and the spirit of the Olympic principle, refuse to participate in sports with a country practising *apartheid*.

Article 10

1. States Parties shall use their best endeavours to ensure universal compliance with the Olympic principle of non-discrimination and the provisions of the present Convention.

2. Towards this end, States Parties shall prohibit entry into their countries of members of teams and individual sportsmen participating or who have participated in sports competitions in South Africa and shall prohibit entry into their countries of representatives of sports bodies, members of teams and individual sportsmen who invite on their own initiative sports bodies, teams and sportsmen officially representing a country practising *apartheid* and participating under its flag. States Parties may also prohibit entry of representatives of sports bodies, members of teams or individual sportsmen who maintain sports contacts with sports bodies, teams or sportsmen representing a country practising *apartheid* and participating under its flag. Prohibition of entry should not violate the regulations of the relevant sports federations which support the elimination of *apartheid* in sports and shall apply only to participation in sports activities.

3. States Parties shall advise their national representatives to international sports federations to take all possible and practical steps to prevent the participation of the sports bodies, teams and sportsmen referred to in paragraph 2 above in international sports competitions and shall, through their representatives in international sports organizations, take every possible measure:

(*a*) To ensure the expulsion of South Africa from all federations in which it still holds membership as well as to deny South Africa reinstatement to membership in any federation from which it has been expelled;

(*b*) In case of national federations condoning sports exchanges with a country practising *apartheid*, to impose sanctions against such national federations including, if necessary, expulsion from the relevant international sports organization and exclusion of their representatives from participation in international sports competitions.

4. In cases of flagrant violations of the provisions of the present Convention, States Parties shall take appropriate action as they deem fit, including, where necessary, steps aimed at the exclusion of the responsible national sports governing bodies, national sports federations or sportsmen of the countries concerned from international sports competition.

5. The provisions of the present article relating specifically to South Africa shall cease to apply when the system of *apartheid* is abolished in that country.

Article 11

1. There shall be established a Commission against *Apartheid* in Sports (hereinafter referred to as "the Commission") consisting of fifteen members of high moral character and committed to the struggle against *apartheid*, particular attention being paid to participation

of persons having experience in sports administration, elected by the States Parties from among their nationals, having regard to the most equitable geographical distribution and the representation of the principal legal systems.

2. The members of the Commission shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Commission shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Commission shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Commission shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Commission.

6. For the filling of casual vacancies, the State Party whose national has ceased to function as a member of the Commission shall appoint another person from among its nationals, subject to the approval of the Commission.

7. States Parties shall be responsible for the expenses of the members of the Commission while they are in performance of Commission duties.

Article 12

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Commission, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention within one year of its entry into force and thereafter every two years. The Commission may request further information from the States Parties.

2. The Commission shall report annually through the Secretary-General to the General Assembly of the United Nations on its activi-

ties and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and recommendations shall be reported to the General Assembly together with comments, if any, from States Parties concerned.

3. The Commission shall examine, in particular, the implementation of the provisions of article 10 of the present Convention and make recommendations on action to be undertaken.

4. A meeting of States Parties shall be convened by the Secretary-General at the request of a majority of the States Parties to consider further action with respect to the implementation of the provisions of article 10 of the present Convention In cases of flagrant violation of the provisions of the present Convention, a meeting of States Parties shall be convened by the Secretary-General at the request of the Commission.

Article 13

1. Any State Party may at any time declare that it recognizes the competence of the Commission to receive and examine complaints concerning breaches of the provisions of the present Convention submitted by States Parties which have also made such a declaration. The Commission may decide on the appropriate measures to be taken in respect of breaches.

2. States Parties against which a complaint has been made, in accordance with paragraph 1 of the present article, shall be entitled to be represented and take part in the proceedings of the Commission.

Article 14

1. The Commission shall meet at least once a year.

2. The Commission shall adopt its own rules of procedure.

3. The secretariat of the Commission shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Commission shall normally be held at United Nations Headquarters.

5. The Secretary-General shall convene the initial meeting of the Commission.

Article 15

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 16

1. The present Convention shall be open for signature at United Nations Headquarters by all States until its entry into force.

2. The present Convention shall be subject to ratification, acceptance or approval by the signatory States.

Article 17

The present Convention shall be open for accession by all States.

Article 18

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving or acceding to the present Convention after its entry into force, the Convention shall enter into force on the thirtieth day after the date of deposit of the relevant instrument.

Article 19

Any dispute between States Parties arising out of the interpretation, application or implementation of the present Convention which is not settled by negotiation shall be brought before the International Court of Justice at the request and with the mutual consent of the States Parties to the dispute, save where the Parties to the dispute have agreed on some other form of settlement.

Article 20

1. Any State Party may propose an amendment or revision to the present Convention and file it with the depositary. The Secretary-General of the United Nations shall thereupon communicate the proposed amendment or revision to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment or revision adopted by the majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments or revisions shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties, in accordance with their respective constitutional processes.

3. When amendments or revisions come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment or revision which they have accepted.

Article 21

A State Party may withdraw from the present Convention by written notification to the depositary. Such withdrawal shall take effect one year after the date of receipt of the notification by the depositary.

Article 22

The present Convention has been concluded in Arabic, Chinese, English, French, Russian and Spanish, all texts being equally authentic.

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